

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to insert headings. Exhibits are appended to this paper.

Claims 11-21 are pending in the application. Claim 11 has been amended to improve its language in a non-narrowing fashion.

No new matter is believed to be added to the application by this amendment.

Rejections Under 35 USC §103(a)

Claims 11-14 have been rejected under 35 USC 103(a) over KRISTENSSON (U.S. Patent 4,004,836) in view of SIRJOO (U.S. Publication 2005/0023875). Claims 15, 16, 19 and 21 have been rejected under 35 USC 103(a) as being unpatentable over KRISTENSSON and SIRJOO as applied to claim 11, and further in view of BROTHERSTON (U.S. Patent 5,868,461). Claims 17, 18 and 21 have been rejected under 35 USC 103(a) as being unpatentable over KRISTENSSON and SIRJOO and BROTHERSTON, and further in view of MARIN-MARTINOD et al. (U.S. Patent 6,441,576). These rejections are respectfully traversed.

The present invention pertains to a seat having excellent ergonomics arising from the ability to adjust the distance between the backrest and the set edge under the user's knees. This is illustrated in Figures 1d to 1f of the application, which are reproduced below.

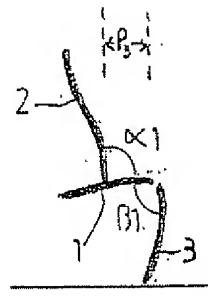
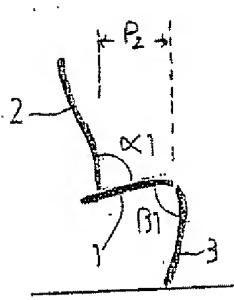
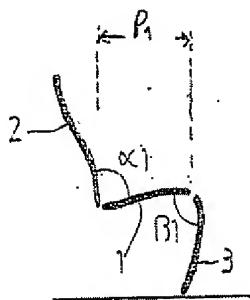


FIG 1d

FIG 1e

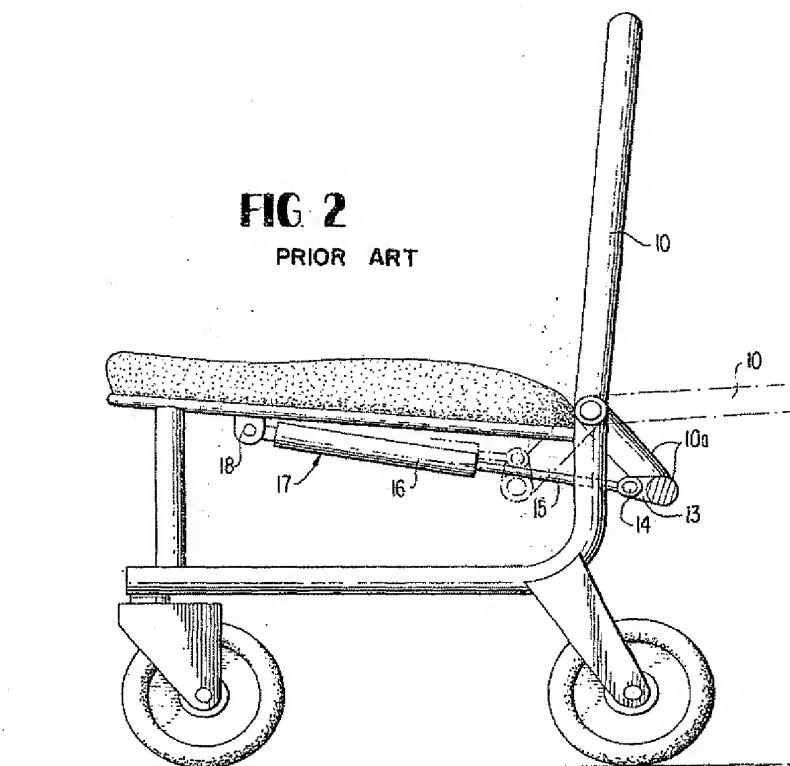
FIG 1f

Figure 1d shows a maximum seat portion depth  $P_1$ , the base of the back rest 2 adjoining the rear edge of the seat portion 1. Figure 1e shows a shorter seat portion depth  $P_2 < P_1$  due to relative movement between the back rest 2 and the seat portion 1, the angles  $\alpha_1$  and  $\beta_1$  remaining the same, and Figure 1f shows an even shorter seat portion depth  $P_3 < P_2 < P_1$  due to relative movement between the back rest 2 and the seat portion 1, the angles  $\alpha_1$  and  $\beta_1$  always remaining the same. Note that the three positions illustrated are merely three examples, any intermediate position being possible, and that it is possible to modify the seat portion depth whatever the angles  $\alpha$  and  $\beta$ .

The result is a seat having ergonomic advantages resulting in commercial success, as evidenced by the leaflets attached to this paper. These leaflets show a seat that according to the user's size (for example from 150 cm to 190 cm), the seat depth is adjustable from 44 cm to 54 cm.

The features of the adjustable seat are reflected in the recitations in independent claim 11 of the present invention.

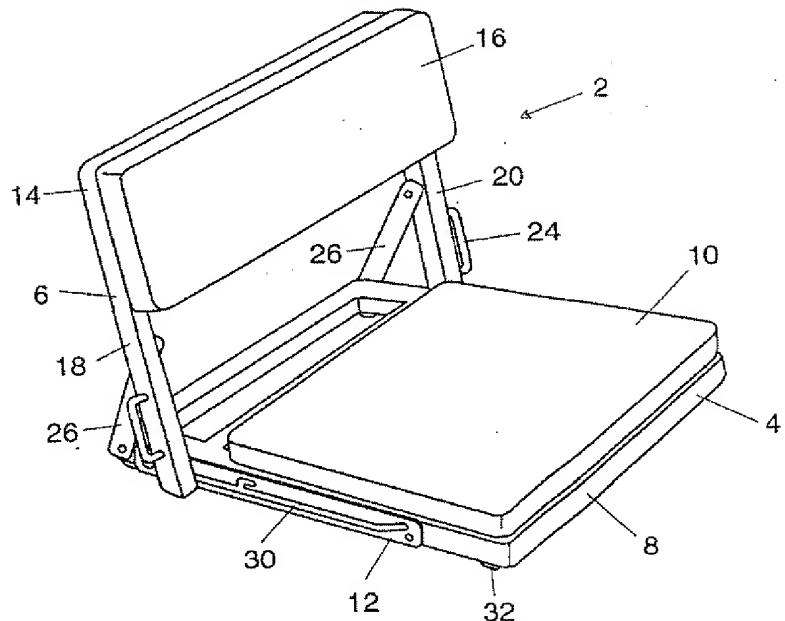
KRISTENSSON pertains to a chair having a seat portion and a back rest frame 10 that can be adjusted back by using a spring 17. This is typically illustrated in Figure 2 of KRISTENSSON, which is reproduced below.



In the sentence bridging pages 2 and 3 the Official Action acknowledges: "Kristensson does not disclose the second element mounted so as to be able to slide on a part integral with the seat portion and immobilizable in a desired position with respect to this same part."

The Official Action then refers to SIRJOO. Figure 1 of SIRJOO is reproduced below.

Figure 1



SIRJOO discloses means for folding a seat. The backrest is movable relative to the sear between an upright position and a compact (folded) position, by when the backrest is in the upright (unfolded) position, the sear does not move relative to the backrest so as to adjust the distance between the backrest and the seat edge under the user's knees.

Note that since the SIRJOO chair is a chair having no legs, the user's legs do not hang from the seat. The position of the sear edge relative the user's knees is of very little importance and SIRHOO would have no reason to provide a seat with an adjustable depth.

One of ordinary skill and creativity would thus fail to produce independent claim 11 from a knowledge of KRISTENSSON and SIRJOO. BROTHERSTON and MARIN-MARTINOD fail to address the

above-described deficiencies of KRISTENSSON and SIRJOO. A *prima facie* case of unpatentability has thus not been made. Claims depending upon claim 11 are patentable for at least the above reasons.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

**Conclusion**

The Examiner is thanked for considering the Information Disclosure Statement that was filed September 8, 2006, and for making an initialed PTO Form 1449 of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to be overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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